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Agenda Item: III b

Report Of Privacy Sub-Group 26 February, 2004

Purpose: Information
Submitted by: Chair



**ECSG Meeting
Santiago, Chile
26 – 27 February 2004**

REPORT OF PRIVACY SUB-GROUP
26 February, 2004

The outcome of our meeting on 25 February was agreement on a discussion draft of the APEC Privacy Framework. Copies will be made available by the end of the ECSG meeting on Friday.

The Preamble to the draft addresses privacy issues in the context of electronic commerce. The next part, entitled 'Scope', deals with definitions and the application of the Framework and recognises that the social, cultural and legal differences between APEC economies require a flexible approach to these issues.

There follow ten principles entitled 'Preventing Harm', 'Notice', 'Collection Limitation', 'Uses of Personal Information', 'Choice', 'Integrity of Personal Information', 'Security Safeguards', 'Access and Correction', 'Accountability' and 'Maximizing Benefits'.

The final part, entitled 'Implementation', is to be developed.

Some text which requires further consideration by the sub-group, is bracketed as [.....]. It was also agreed that the text of the principles should be accompanied by explanatory notes on the facing page. The purpose is to give examples of the application of each principle and to assist in interpretation. It is yet to be developed.

Since its meeting in Phuket in August, 2003, the sub-group has had one meeting in Sydney in September, 2003 following the International Conference of Data Protection Commissioners and has had three teleconferences to discuss versions 6 to 8 of the draft. Delegations have provided written comments which have been included in successive annotated drafts and also separate commentaries in papers.

In some economies consultations have occurred with business, legal professional and privacy groups. Delegates agreed to use the draft for further consultations within their economies as appropriate over the coming months. There will also be further teleconferences. These will differ from those that have been held to date in that their purpose will not be to refine further versions of the draft but to exchange views on the outcome of consultations and seek resolution of the few remaining issues. It was noted that there may be a need for a meeting mid-year and this will be further considered in informal consultations among delegates. It is expected that the next scheduled meeting in the margins of the next ECSG meeting will focus on implementation.

The sub-group's targets are to finalise the draft, apart from the implementation section, by the middle of this year and to finalise the implementation section by the end of the year.

The meeting began discussions on implementation and agreed to further development of a proposal put forward by the chair in his personal capacity at the privacy symposium on 24 February. That proposal involves a staged action plan and reporting arrangements to support the development of appropriate arrangements between enforcement agencies in different economies.

The sub-group has made good progress and has substantially met the targets it had set for itself at Phuket. There are some unresolved issues relating to inclusion of one principle and of parts of the text of others. However, differences relate to matters of characterisation rather than to the merits of what is proposed. Further study of implications and consultations will be necessary to resolve these issues. Those economies which are developing their own legislation in this area will find the draft of assistance. Those which have implemented the OECD Guidelines will need to consider how the draft relates to their existing legislation.